



STATE OF NEW YORK

UNEMPLOYMENT INSURANCE APPEAL BOARD

PO Box 15126

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DECISION OF THE BOARD

Mailed and Filed: DECEMBER 13, 2022

IN THE MATTER OF:

Appeal Board No. 625757

PRESENT: JUNE F. O'NEILL, MEMBER

The Department of Labor issued the initial determination holding the claimant ineligible to receive benefits, effective October 4, 2021 through January 16, 2022, on the basis that the claimant did not comply with registration requirements. The claimant requested a hearing.

The Administrative Law Judge held a telephone conference hearing at which testimony was taken. There was an appearance by the claimant. By decision filed September 20, 2022 (), the Administrative Law Judge overruled the initial determination.

The Commissioner of Labor appealed the Judge's decision to the Appeal Board. The Board considered the arguments contained in the written statement submitted on behalf of the Commissioner of Labor.

Based on the record and testimony in this case, the Board makes the following

FINDINGS OF FACT: On September 27, 2021, the claimant's employment ended because she refused to get the COVID-19 vaccine. On January 20, 2022, she filed a claim for unemployment insurance benefits that was deemed effective January 17. She delayed filing her claim because she believed that she would be ineligible from watching television and she was "uneducated in not knowing that I was still able to make a claim". She had not called the Department of Labor to inquire about her eligibility.

OPINION: The credible evidence establishes the claimant's employment ended on September 27, 2021, and she had not filed a claim until January 20, 2022. We

are not persuaded by the claimant's contention that her delay should be excused due to receipt of misinformation, as she admitted that she did not contact the Department of Labor to inquire about her eligibility. A misplaced belief about eligibility for benefits does not excuse a failure to register as a claimant is responsible for contacting the New York State Department of Labor to inquire about eligibility. Therefore, we conclude that the claimant did not comply with registration requirements from October 4, 2021 through January 16, 2022.

DECISION: The decision of the Administrative Law Judge is reversed.

The initial determination, holding the claimant ineligible to receive benefits, effective October 4, 2021 through January 16, 2022, on the basis that the claimant did not comply with registration requirements, is sustained.

The claimant is denied benefits with respect to the issue decided herein.

JUNE F. O'NEILL, MEMBER